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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,641	01/18/2002	Nikolaus Z. Schwabe	L7059-0001	8057
7590	11/17/2004		EXAMINER	
Michael L. Diaz Michael L. Diaz, P.C. Suite 200 555 Republic Drive Plano, TX 75074			MCKANE, ELIZABETH L	
			ART UNIT	PAPER NUMBER
			1744	

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/051,641

Applicant(s)

SCHWABE, NIKOLAUS Z.

Examiner

Leigh McKane

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koenck et al. (Patent Application Publication US 2002/0162971 A1) in view of either Bealing et al (U.S. Pat. 5,990,199) or Yamagami et al (Abstract of "Radiation indicator ink").

Koenck et al. disclose a system and method for irradiating and sterilizing mail articles that may be contaminated (see paragraphs [0058] to [0083]). The method comprises first collecting mail from "blue boxes" and individual residential mailboxes, then transporting the postal material to the post office, and finally sterilizing the mail at the post office prior to delivery of the mail to the recipients. Although the reference does not specifically disclose the step of affixing a postage stamp to the mail article it is implied that mail which has been collected by postal workers will have the proper postage stamp since postage is required in order for the mail to be delivered by the post office.

The system disclosed by Koenck et al. comprises a sterilization apparatus which has a means to sterilize a mail article using e-beam sterilization. Also, it is disclosed that other sterilizing means are available such as x-rays or gamma radiation. However, the method and system of Koenck et al. does not teach a sterilization indicator ink applied to a portion of the stamp and applied separately from any design of the stamp.

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Bealing et al. discloses indicator ink compositions that may be directly printed onto a surface of an article to be sterilized or applied in the form of a substrate and can alternatively be applied in the form of letters, shapes, or stripes. See col.8, lines 1-10, lines 24-27, and lines 42-49; col.9, lines 7-11. The compositions can help to monitor a sterilization process and assure “the user that the articles have been properly subjected to the parameters required for sterilization.” See col.4, lines 26-29. Conditions which the compositions can indicate include exposure to radiation (col.7, lines 31-35).

Yamagami et al teaches a radiation indicator ink which may be applied directly on to the packing paper of medical supplies, “thus allowing sterilization of a large no. of medical supplies at one time and reducing the time required for sterilization.”

It would have been obvious to one of ordinary level of skill in the art at the time the invention was made to modify the invention of Koenck et al. and include printing the indicator composition of Bealing et al or Yamagami et al onto the package, since both Bealing et al and Yamagami et al teach that the indicator inks eliminate the need for a separate indicator substrate since they can be printed directly onto the article to be sterilized. Furthermore, one would have found it obvious to use an indicator in the method of Koenck et al in order to obtain assurances that the mail articles have been sterilized.

It is further deemed obvious to apply the indicator ink to a portion of the postage stamp as one would have a standard location in which to check for the positive sterility indicator.

As to the stamp being self-adhesive, this is the common form of postage stamps and is considered to be obvious.

Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leigh McKane whose telephone number is 571-272-1275. The examiner can normally be reached on Monday-Wednesday (7:15 am-4:45 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J. Warden can be reached on 571-272-1275. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Leigh McKane
Primary Examiner
Art Unit 1744

elm
15 November 2004